

ORDER NO. 79838

IN THE MATTER OF THE COMPLAINT OF CORE COMMUNICATIONS, INC. AGAINST VERIZON MARYLAND INC. FOR BREACH OF ITS INTERCONNECTION AGREEMENT. <i>(Order on Rehearing – Interlocutory Appeal)</i>	* * * *	BEFORE THE PUBLIC SERVICE COMMISSION OF MARYLAND <hr style="width: 80%; margin: auto;"/> CASE NO. 9005
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This matter comes before the Public Service Commission (“Commission”) on Petition for Reconsideration and Rehearing and an Expedited Motion for Stay of Order No. 79775 filed on behalf of Verizon Maryland Inc. (“Verizon”). Core Communications, Inc. (“Core”) filed an Opposition to Verizon’s Motion for Stay on February 24, 2005.

On February 4, 2005, the Commission issued Order No. 79775 in the above-captioned proceeding. In Order 79775, the Commission reversed the Hearing Examiner’s Ruling dismissing Core’s Mt. Airy and Damascus Wire Center claims. Specifically, the Commission determined that these claims were not barred by the doctrine of res judicata.

Verizon seeks reconsideration and rehearing of the Commission’s decision solely with respect to the Mt. Airy Wire Center. In support of its Petition, Verizon repeats many of the arguments it raised in opposition to Core’s appeal of the Hearing Examiner’s ruling regarding the temporal proximity between the Baltimore Wire Center interconnection and the Mt. Airy Wire Center interconnection. Essentially, Verizon continues to contest the Commission’s factual determination that the Mt. Airy Wire Center constitutes a separate transaction from the Baltimore Wire Center.

The Commission has considered Verizon's arguments and does not find them persuasive. In accordance with the test adopted by the Court of Appeals, the Commission pragmatically considered all pertinent facts and circumstances surrounding the parties' Mt. Airy and Baltimore Wire Center transactions, and determined that the transactions were not the same. Nothing raised by Verizon causes the Commission to question this determination. Accordingly, the Commission denies Verizon's Petition for Reconsideration and Rehearing.

With respect to Verizon's Motion for Stay, Verizon requested that the Commission stay Order No. 79775 pending resolution of Verizon's Petition for Reconsideration and Rehearing. The Commission's decision to deny Verizon's Petition renders the Motion moot, and as such, it is denied.

IT IS THEREFORE, this 21st day of March, in the year Two Thousand and Five, by the Public Service Commission of Maryland,

ORDERED: (1) That the Petition for Reconsideration and Rehearing and Expedited Motion for Stay of Verizon Maryland Inc. Inc. filed on February 16, 2005, be and hereby are, DENIED; and

(2) That Case No. 9005 should proceed as directed by the Commission in Order No. 79775.

By Direction of the Commission,

O. Ray Bourland
Executive Secretary